

REMARKS

In the Office Action dated June 15, 2005, pending claims 1-20 were considered and rejected. Pending claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,922,170 to Gerdes et al. (“Gerdes”) in view of U.S. Patent No. 4,681,645 to Fukushima (“Fukushima”).

Arguments Supporting The Withdrawal Of §103 Rejection:

Pending claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gerdes in view of Fukushima. Applicants amend claims 1, 9, and 16 to more particularly claim the subject matter of the invention. No new matter has been added by way of this amendment. Support for these amendments can be found, among other places, in the last sentence of paragraph [0011].

Applicants submit that neither Gerdes, Fukushima, nor the combination of Gerdes and Fukushima disclose, suggest, or teach each and every limitation of Applicants’ amended claims 1, 9, and 16. Particularly, Gerdes and Fukushima both fail to disclose a heatable perimeter and knurls that create varying high and low temperature points in the perimeter.

Gerdes discloses an ultrasonic welding horn for plunge welding of face masks. Accordingly, it fails to disclose or teach anything about the perimeter being heatable, the perimeter containing any knurls, and the knurls creating varying high and low temperature points in the perimeter. Gerdes uses vibrational energy to weld (see column 3, lines 33-37). It does not use a heatable perimeter to weld, as required by Applicants’ amended claims 1, 9, and 16. Additionally, the end surface 32 (welding surface) does not contain any knurling. None of the

figures of Gerdes shows any knurling and knurling is not discussed anywhere in Gerdes.

Therefore, Gerdes does not disclose having knurls on the perimeter. Finally, as the perimeter contains no knurling and no heat is applied to the perimeter to weld, Gerdes fails to disclose knurls providing varying high and low temperature points in the perimeter.

Fukushima also fails to disclose or teach anything about the perimeter being heatable and the knurls creating varying high and low temperature points in the perimeter. Similarly to Gerdes, Fukushima discloses a vibrational welding apparatus for fusing together the bottom of a tubular container formed of a synthetic resin. Particularly, Fukushima uses vibrational energy to fuse together the bottom portion of the tubular container 29. As Fukushima discloses vibrational welding, it fails to disclose anything about heat welding. Accordingly, Fukushima fails to disclose or teach a heatable perimeter as required by Applicants' claims 1, 9, and 16.

Further, Fukushima fails to disclose or teach the knurls creating varying high and low temperature points in the perimeter. The knurls 24 on the end of the vibrator terminal 20 are used solely to transfer such shapes to the outer surface of the portion fused together (see column 3, lines 24-36). Also, as no heat is applied to the knurls 24 of Fukushima, such knurls 24 do not, therefore, create varying high and low temperature points in the perimeter.

Finally, combining Gerdes with Fukushima does not overcome the shortcomings of Gerdes and Fukushima individually. Neither Gerdes, Fukushima, nor the combination thereof disclose or teach the perimeter being heatable and the knurls creating varying high and low temperature points in the perimeter as required by Applicants' claims 1, 9, and 16. Accordingly, Applicants respectfully request withdrawal of the §103(a) rejection of claims 1, 9 and 16 and an indication that such claims are allowable.

As claims 2-8, 10-15, and 17-20 depend either directly or indirectly, from independent claims 1, 9, and 16 and add additional limitations thereto, the arguments above equally apply to those claims. Applicant, therefore, respectfully requests that the §103(a) rejection be withdrawn and submit that claims 2-8, 10-15, and 17-20 are now in condition for allowance.

In light of the foregoing, Applicant submits that the application is now in condition for allowance, and accordingly, respectfully requests the allowance thereof.

Respectfully,

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